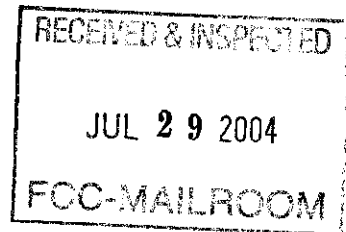


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LAW OFFICES  
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RESTON, VIRGINIA 20190

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(703) 430-4994



TELEPHONE  
(703) 430-6751

July 28, 2004

**SENT BY FEDERAL EXPRESS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
9300 East Hampton Drive  
Capitol Heights, MD 20743

Re: "Motion to Dismiss Counterproposal and  
Withdraw From the Proceeding"  
filed by Garwood Broadcasting Company of  
Texas in FM Rulemaking Docket No. 99-331;  
Madisonville and College Station, Texas.

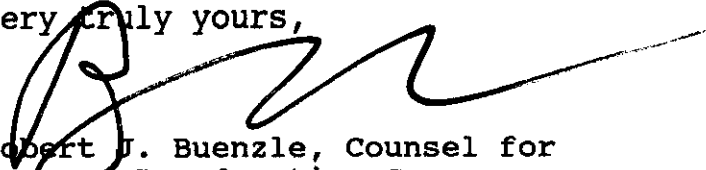
Dear Ms. Dortch:

Transmitted herewith is an original and four copies of  
the above-captioned pleading as directed to the Assistant  
Chief, Audio Division of the Media Bureau.

It is requested that the additional enclosed copy marked  
"FILE" be date-stamped and returned to us in the enclosed  
self-addressed stamped envelope.

Should any additional information be required, please  
contact this office.

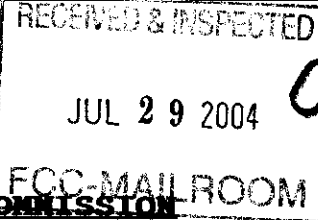
Very truly yours,

  
Robert J. Buenzle, Counsel for  
Garwood Broadcasting Company  
of Texas

No. of Copies rec'd  
List ABOVE

04

Before The  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C.



ORIGINAL

In the Matter of ) MM Docket No. 99-331  
 )  
Amendment of Section 73.202(b) ) RM-9848  
Table of Allotments )  
FM Broadcast Stations )  
(Madisonville, and )  
College Station, Texas) )

To: Assistant Chief,  
Audio Division  
Media Bureau

**MOTION TO DISMISS COUNTERPROPOSAL AND  
WITHDRAW FROM THE PROCEEDING**

On November 19, 1999, a Notice of Proposed Rulemaking (DA 99-2564) was issued in this proceeding and on January 10, 2000, Garwood Broadcasting Company of Texas ("Garwood") filed Comments and a Counterproposal. The Counterproposal was filed in good faith and prosecuted diligently over the subsequent years. Most recently, by Report and Order (DA 03-144) issued January 21, 2003, the Chief of the Audio Division of the Media Bureau denied the Garwood Counterproposal and on February 20, 2003, Garwood filed a Petition for Reconsideration. Subsequently, on June 23, 2004, Garwood also filed a Petition for Waiver, all of which remain presently pending.

On further consideration however, in view of the intervening time and changed circumstances, including changes in FCC Rules and Policies applicable to this case, since the time of the filing, Garwood has now reached the conclusion and determination that it does not wish to proceed further with its prosecution and

therefore hereby respectfully requests that its Counterproposal be dismissed and that the Commission recognize Garwood's withdrawal from this proceeding.

In compliance with 47 CFR 1.420(j) of the Commission's Rules, there is attached hereto a Declaration by Roy E. Henderson, Principal of Garwood Broadcasting Company of Texas, certifying that neither the company nor any principal has received, or will receive, any money or other consideration in connection with its withdrawal from this proceeding.

Wherefore, it is respectfully requested that this Motion be granted and that the Counterproposal filed by Garwood Broadcasting Company of Texas on January 10, 2000, in this proceeding, along with the Petition for Reconsideration and the Request for Waiver, along with any other pending pleadings filed herein, be dismissed and that Garwood Broadcasting Company of Texas be recognized as having no further interest in this case and as being withdrawn from the proceeding.

Respectfully submitted,

GARWOOD BROADCASTING COMPANY OF TEXAS

by

  
Robert J. Buenzle

Its Counsel

Law Offices  
Robert J. Buenzle  
11710 Plaza America Drive  
Suite 2000  
Reston, Virginia 20190  
(703) 430-6751

July 29, 2004

**DECLARATION**

Roy E. Henderson, under penalty of perjury, hereby states and declares the following:

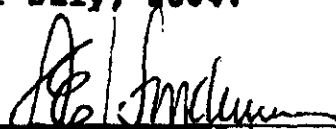
That he is a principal of Garwood Broadcasting Company of Texas which filed a Counterproposal in MM Docket No. 99-331, Madisonville and College Station, Texas, on January 10, 2000, requesting amendment of the Commission's Table of FM Radio Allocations including, *inter alia*, the assignment of a new FM channel to Garwood, Texas. A Report and Order was issued in the case on January 21, 2003 denying the Garwood proposal and Garwood filed a Petition for Reconsideration on February 20, 2003, and a Request for Waiver on June 23, 2004, all of which remain currently pending at this time;

That as circumstances have changed since the date of the filing of the Counterproposal, including changes in applicable FCC Rules and Policies, that Garwood has now concluded that it does not wish to continue further with prosecution of that Counterproposal and has determined to dismiss that Counterproposal and withdraw from this proceeding;

And that in connection therewith, it is hereby certified that neither Garwood Broadcasting Company of Texas nor any principal of Garwood Broadcasting Company of Texas has received, or will receive, any money or other consideration in exchange for that dismissal.

The above statements of fact are true and correct to the best of my own personal knowledge and belief.

Signed and dated this 28 day of July, 2004.

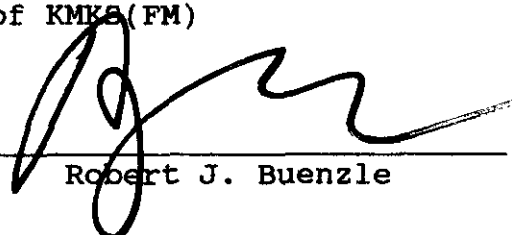
  
\_\_\_\_\_  
Roy E. Henderson, Principal of  
Garwood Broadcasting Company  
of Texas

CERTIFICATE OF SERVICE

I, Robert J. Buenzle, do hereby certify that copies of the foregoing Motion To Dismiss Counterproposal and Withdraw From The Proceeding have been served by United States mail, postage prepaid this 29th day of July, 2004, upon the following:

John A. Karousos, Esq.  
Assistant Chief, Audio Division  
Office of Broadcast License Policy  
Media Bureau  
Federal Communications Commission  
Portals II, Room 3-A266  
445 12th Street SW  
Washington, D.C. 20554

Sandlin Broadcasting Co., Inc.  
P.O. Box 789  
Bay City, Texas 77404  
Licensee of KMYB(FM)



Robert J. Buenzle